

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
GOURMET BOUTIQUE, LLC,

Plaintiff,

-against-

ORDER

11 CV 2769 (DRH) (GRB)

GLOBAL EXPRESS, INC.,

Defendant.

-----X

HURLEY, Senior District Judge:

On November 30, 2011, this Court granted plaintiff Gourmet Boutique, LLC's motion for an entry of default judgment against defendant Global Express, Inc. and referred the case to Magistrate Judge Gary R. Brown, pursuant to 28 U.S.C. § 636(b)(3), for a report and recommendation as to damages, attorneys' fees, and costs. On April 18, 2012, Judge Brown issued a Report and Recommendation that judgment be entered against defendant for the following amounts: (1) damages in the amount of \$71,707.39; (2) pre-judgment interest thereon, to be calculated at the post judgment interest rate set forth in 28 U.S.C. § 1961(a), and accruing as of July 6, 1999; (3) costs in the amount of \$345.21; and (4) post judgment interest to be calculated pursuant to 28 U.S.C. § 1961.¹ On May 2, 2012, defendant was served with a copy of the Report and Recommendation. More than fourteen days have elapsed since service of the Report and Recommendation. No party has filed any objections.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both

¹ Although plaintiff sought attorneys' fees in the Complaint, it "neither pressed its entitlement to recover such fees in its submissions, nor provided any of the documentation necessary to support such an award." (R&R at 6.) Accordingly, Judge Brown recommended "that no attorneys' fees be awarded." (*Id.*)

its reasoning and its result. Accordingly, the Court adopts the April 18, 2012 Report and Recommendation of Judge Brown as if set forth herein. The Court therefore directs that plaintiff Gourmet Boutique, LLC recover from defendant Global Express, Inc., the amounts itemized below, and that judgment be entered accordingly, with post judgment interest to be calculated pursuant to 28 U.S.C. § 1961:

- (1) \$71,707.39 in damages;
- (2) Pre-judgment interest, calculated based upon the federal post judgment interest rate set forth in 28 U.S.C. § 1961(a), from July 6, 2009 to the date of judgment;
and
- (3) \$345.21 in costs.

Upon entry of judgment, the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
May 23, 2012

/s/
Denis R. Hurley
United States District Judge